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REMARKS

Claims 2-17, 19-26, 28 and 29 are currently pending in the subject application and are presently under consideration. Applicants' representative thanks the Examiner for the courtesies extended during the telephone conversation on January 10, 2006 wherein the Examiner indicated the possibility that further amendment to the subject claims might place the subject application in condition for allowance. To this end, claims 2, 4, 11-12, 16-17, 22-23 and 29 have been amended herein, and claim 21 has been cancelled. A version of all pending claims is presented on pages 2-7. Applicants' representative also notes that the Examiner during the telephone conversation indicated that the reference to the secondary document, Chatterjee *et al.* as reciting Patent Number US 6,430,538 B1, should have read Chatterjee *et al.* (US 5,774,661). Accordingly, the following comments are predicated on the foregoing clarification.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 2-17, 19, 21-26, and 28-29 Under 35 U.S.C. §103(a)**

Claims 2-17, 19, 21-26, and 28-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ohmura *et al.* (US 6,151,583) in view of Chatterjee *et al.* (US 5,774,661). Withdrawal of this rejection is requested for at least the following reasons. Ohmura *et al.* and Chatterjee *et al.*, either alone or in combination, do not teach or suggest each and every aspect recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the

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prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The invention as claimed relates to a computing workflow system having process definition represented in a workflow table. To this end, independent claims 2, 4, 11, 17, 23 and 29 recite: *creating a workflow table as part of a database schema in the server database, the workflow table is associated with the data table, each row in the workflow table represents a workflow step containing workflow events that include at least one timeout event, workflow rules and associated code defined by script functions* Ohmura *et al.* and Chatterjee *et al.*, either alone or in combination, do not teach or suggest these aspects of applicants' claimed invention.

Ohmura *et al.* relates to a workflow management system and a document circulation method in a workflow system, and in particular, to a hierarchical workflow management system suitable for changing a circulation route during document circulation. The Examiner appears to acknowledge Ohmura *et al.* does not teach or suggest a workflow step containing workflow events that include at least one timeout event, and thus to cure this deficiency provides Chatterjee *et al.*, the secondary document. However, the Examiner concedes the secondary document also does not teach workflow steps that contain workflow events that include at least one timeout, but nevertheless the Examiner contends that such a feature is inherent. Applicants' representative disagrees with such a contention. According to the court in *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981), inherency cannot be established by mere probabilities or possibilities. The disclosure must be sufficient to show that the natural consequences flowing from the operation as taught would result in the performance of the questioned function. It is submitted that since neither Ohmura *et al.* nor Chatterjee *et al.* teach or suggest a timeout event, let alone, a workflow step containing workflow events that includes timeout events, that the Examiner is attempting to establish inherency based solely on mere possibilities and probabilities.

In addition, applicants' representative contends that the Examiner in rejecting the subject claims has employed a 20/20 hindsight road map based analysis to impermissibly discount the instant claims. In essence, the Examiner is basing the rejection on an

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assertion that it would have been obvious to do something not suggested in the art based on the advantages disclosed in applicants' specification. This sort of rationale has been condemned by the Court of Appeal for the Federal Circuit. *See e.g. Panduit Corp. v. Dennison Manufacturing Co.*, 1 USPQ2d 1593 (Fed. Cir. 1987). Thus it is submitted, a *prima facie* case of obviousness has not been established against applicants' claimed invention. Further, the subject invention would not have been obvious to one ordinarily skilled in the art sufficient to impel him/her to do what the applicants have suggested, other than *via* employment of applicants' specification as a 20/20 hindsight-based road map to achieve the purported invention.

In view of at least the foregoing, it is submitted that neither Ohmura *et al.* nor Chatterjee *et al.*, individually or in combination, teach or suggest the aspects recited in independent claims 2, 4, 11, 17, 23 and 29 (and associated dependent claims). Accordingly, withdrawal of this rejection is requested.

## II. Rejection of Claim 20 Under 35 U.S.C. §103(a)

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ohmura *et al.* (US 6,151,583) in view of Chatterjee *et al.* (US 5,774,661), and further in view of Haverstock *et al.* (US 2002/0038357 A1). This rejection should be withdrawn for at least the following reasons. Claim 20 depends from independent claim 17, and Haverstock *et al.* does not remedy the aforementioned deficiencies of Ohmura *et al.* and Chatterjee *et al.* with respect to independent claim 17. Accordingly, this rejection should be withdrawn.

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CONCLUSION

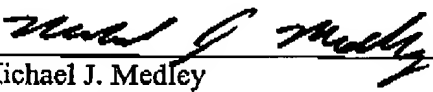
The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP238US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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